

U.S. Patent Application No. 10/824,985
Reply to Office Action dated January 25, 2007

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PATENT
450100-4879.1

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 20-37 are pending. Claims 1-19 have been canceled without prejudice or disclaimer of subject matter. Claims 20 and 32, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification, specifically at page 26. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicants are entitled. Claims 20 and 32 have been amended, thereby obviating the double patenting issue raised in the Office Action.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 20-26 and 28-37 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 4,829,569 to Seth-Smith et al. (hereinafter, merely "Seth-Smith") in view of U.S. Patent No. 5,987,518 to Gotwald (hereinafter, merely "Gotwald"). Meeker. Claim 27 was rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Seth-Smith in view of Gotwald and further in view of U.S. Patent No. 5,602,917 to Mueller (hereinafter, merely "Mueller").

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Claim 20 recites, *inter alia*:

"A data transmission controlling method for controlling transmission of data from data transmitting means to data receiving means...

wherein the first protocol pads a portion of 0 to 63 bits with a corresponding "1" as a suffix to the data, thereby maintaining a predetermined data length." (Emphasis Added)

As understood by Applicants, Seth-Smith relates to a system for communicating individual messages to subscribers in a subscription television system.

As understood by Applicants, Gotwald relates to communicating internet protocol data over a broadband MPEG channel.

It is respectfully submitted that Seth-Smith and Gotwald, taken alone or in combination, does not teach or suggest the first protocol pads a portion of 0 to 63 bits with a corresponding "1" as a suffix to the data, thereby maintaining a predetermined data length, as recited in claim 20.

Applicants submit that independent claim 20 is patentable.

For reasons similar to those described above with regard to independent claim 20, independent claim 32, which recites similar features, is also patentable.

Therefore, Applicants submit that independent claims 20 and 32 are patentable.

III. DEPENDENT CLAIMS

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons.

Since each dependent claim is also deemed to define an additional aspect of the invention,

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however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited reference it is respectfully requested that the Examiner specifically indicate those portion or portions of the reference, providing the basis for a contrary view.


Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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